

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS HOUSTON DIVISION**

TAKE JUDICIAL NOTICE

CASE NO: 24- 4145

Derrick: Thomas-Secured Party/Claimant

FOR

DERRICK THOMAS (ENS LEGIS)

VS

Allison Byman (Personal Capacity)

Kevin M Epstein (Personal Capacity)

Eduardo V Rodriguez (Personal Capacity)

Jeffrey P Norman (Personal Capacity)

Tony Thompson (Personal Capacity)

Defendants

**United States Courts
Southern District of Texas
FILED**

OCT 28 2024

Nathan Ochsner, Clerk of Court

(Without IDEM SONANS)

**42 U.S. Code § 1983 - Civil action for deprivation of rights and
Adverse Claim**

INTRODUCTION: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

I Derrick: Thomas am the beneficiary of the United State Constitution aka the Public Trust and have been deprived of my due process rights that this constitution affords me to have being that we are the beneficiaries of this constitution and have established this Justice system I being deprived of the benefits of our own social compact that we the people have created, We have also established Congress and the Executive branch of this republican form of government where the government derive their powers from the consent of the governed. I have been denied these benefits.

Facts

Article VI: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Bankruptcy Judges are also deemed to be Judicial Officers of the court operating in the office of the PUBLIC TRUST, Judge Eduardo V. Rodriguez and Judge P Norman have been quo warranto by me seeking their oath of office in September and neither Judge has shown their oath on the record in which is a violation of **ARTICLE VI** of the Constitution and is operating in the office of the public Trust in which is also a violation of **18 U.S. Code § 912 - Officer or employee of the United States** Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

The bankruptcy proceedings is authorized by the constitution and again I was denied the opportunity to have my own voluntary case heard **Article I, Section 8, Clause 4:**

[The Congress shall have Power . . .] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; . . .

And as I read through the Bankruptcy Codes in violates **ARTICLE VI** of the constitution because most of the provisions are not in alignment with the Supreme law of the land in which is the constitution however this Judge and DOJ as well as the Bankruptcy violated my due process right to be heard in terms of my application for chapter 7 this Judge Eduardo V Rodriguez has been harassing to dismiss my bankruptcy application since the day I filed on **09/09/24** by threat coercion and duress, misapplication of the law and misapplying the rules as well as making up his own rules and the rest of the defendants who are named in this complaint all witness his ultra vires acts in which constitutes misprision of treason this also constitutes a violation of the **Fourteenth amendment** procedural due process clause No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor

shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Judge Eduardo V Rodriguez absolutely along with DOJ and Bankruptcy Trustee violated my Fourth Amendment rights

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

By asking me for my personal information like pay stubs, driver's license and SSN card in which is protected under the 4th amendment and in the Judges and Trustee orders and recommendation they threaten me to obtain a protected right and deny me of my right to petition the court for a voluntary bankruptcy proceeding by fraudulently dismissing my case without a Court Seal Judge Name and Judge Signature after they all became a defendant on 10/23/24 one of these defendants created this order and back dated it and enter in an order granting a dismissal after the DOJ Trustee requested for it to be dismissed overlooking the chapter 7 bankruptcy rule that define a natural person being exempt from document examinations I bring this claim against all of these defendants in their personal capacity because they have all conspired to deprive me of my substantive and due process rights my goal was to make a **TENDER IN PAYMENT** for any alleged debt obligation pursuant to **Article I, Section 10, Clause 1**:

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. However, all defendants deprived me of doing just that if the creditors could have proven their claim

JURISDICTION

This venue is proper, and this court has Jurisdiction over constitutional questions

Cause of Actions

CONSTITUTIONAL VIOLATION FROM JUDGE EDUARDO V RODRIGUEZ

COUNT 1

Judge Eduardo V Rodriguez scheduled a hearing unrelated to bankruptcy on 10/07/24 lying calling it an initial hearing due to lack of me having an attorney in my VOLUNTARY bankruptcy application as a consumer when the code or rule does not require me to do so as he recognized this in his unconstitutional order that was entered in on 09/11/24 on the docket as (exhibit A) one of his threats were to use the US MARSHAL to compel me to show up at a hearing unrelated to bankruptcy this is insane and no I did not attend that hearing because it was unrelated to my bankruptcy case and unconstitutional

COUNT 2

Judge Eduardo V Rodriguez was disqualified on 09/25/24 due to his impartiality being questioned however he removed himself with an offer of recusal vs disqualification to stay in my case in the background and he continues to show his impartiality by selecting one of his buddy Judges to hear his writ of disqualification and quo warranto authority only to be reinstated back into my case, any Judge that has a disregard to the rule of law is no judge and is acting in his personal capacity, I already know the outcome of the case due to the appearance that both Judge Eduardo V Rodriguez and Jeffrey P Norman because Judge Norman have not removed himself pursuant to rule 5004 and 28 USC 455 after he was disqualified on 09/25/24 he have not put an order in to remove himself like Judge Eduardo V Rodriguez did on 09/27/24 the question why? I know the answer it is because Judge Rodriguez need Judge Norman to violate the constitution, the bankruptcy codes and the bankruptcy rule to reinstate him back into my case so that he can finish violating my rights by violating the constitution and the bankruptcy rule that was promulgated by the Supreme Court Judge Eduardo V Rodriguez had no authority to authorize his clerk to allegedly randomly select Judge Norman after being disqualified as he mentioned in his order entered in on 09/27/24 (exhibit B) he was without authority so he continues to disregard the rule of law so do you think that my bankruptcy case will be heard fairly under his eyes? Absolutely NOT and that is why he cannot be trusted to sit in my case

COUNT 3

Judge Rodriguez has put an order in to ABATE all of my hearings until after his buddy Judge Norman reinstate back into my case again in which I will not be participating in due to the lack of integrity and authority by this Judge in other words I have put writs to vacate orders of the Judges and Notice of hearings in for those writs to be heard and he

has stepped in and stopped other officers of the court from doing their constitutional duties to schedule hearing dates for the matter this Judge is misapplying codes and personally making up his own rules as he go again do you think I trust a judge like this to rule in my case? Absolutely NOT if he has not respect for the constitution, the rule of law, and keeping the integrity of the judicial system he definitely is awaiting to violate my rights so again I will not participate in none of his unconstitutional order shall this complaint be overlooked and he unconstitutionally be reinstated in my case without having to show his oath of office as well his holding my writs to be heard is a procedural and substantive due process violation of my rights and I will not accept it this act of his is an obstruction of justice Judge without authority violating the bankruptcy rule and code on abatement for a chapter 7 case in which cannot be abated pursuant to the rule and he did it anyway this

COUNT 4

This Judge is still actively practicing law as a Judge over the bench in which is a violation of 28 US 453 this judge still is a active licensed attorney in the state of Texas this is unacceptable and is a conflict of interest this is another reason this Judge impartiality is being questioned you simply cannot be a sitting Judge and an active attorney pursuant to federal law so if we have Judges violated federal law and the rule of law as well as the constitution where is the remedy and justice for the people? Judges shall sit in cases as criminals making unfair rulings in the favor of other attorneys as active attorneys themselves sitting on the bench this is why I can't get my case fairly heard because he is still an active licensed attorney that will give any opposing attorney what they want this is not fair nor is it transparent and it is definitely an act in bad faith as a sitting judge this Judge should be removed for certain for this reason

CONSTITUTIONAL VIOLATION BY JUDGE JEFFREY P NORMAN

COUNT 1

Judge Jeffrey P Norman has been disqualified as of 09/30/24 he was served a certificate of notice and notice of hearing, This Judge has yet to remove himself pursuant to rule 5004 and 28 USC 455 he is violation of the rule and bankruptcy code, He is giving the appearance conspiring with Judge Eduardo V Rodriguez by not removing himself from this case due to the fact that Judge Rodriguez give the appearance that he selecting Judge Norman to reinstate him back into my case unconstitutionally so they both con continue to violate my substantive and due process rights Judge Norman has a scheduled hearing to hear Judge Rodriguez writ to disqualify and writ of quo warranto authority on 10/29/24 in which I will not attend due to how he was selecting while Judge Rodriguez was disqualified I do not trust either of these Judges and already can predict the outcome of the hearing due to Judge Norman

not following rule to remove himself from my case his impartiality is being questioned as well this Judge Venue is located in Louisiana meanwhile my case is filed in Texas my last bankruptcy case was filed in Louisiana as well but was dismissed in Louisiana so I filed it in Texas and somehow these Judges is trying to place it back in Louisiana to be heard as if they all had an exparte meeting without me regarding my case I believe these Judges are all trying to cover for other Judges an attorney is the reason my case that is filed in the Texas venue has been thrown around in other bankruptcy venues the question is why wasn't a bankruptcy Judge selected from the venue I filed in Texas

COUNT 2

Judge Norman is also an active licensed attorney as well in the state of Texas along with his buddy Judge Rodriguez either attorney never surrender their license before taking the position as judges they are both violating 28 USC 453 In which is a criminal act to be sitting as a attorney and Judge at the same time this is another reason I said they are both conspiring to violate my due process rights they are both in violation of the rule of law and the laws in this state as well as the constitution I do not trust either Judge to hear my case this must follow the disqualification rule and remove himself from my case

CONSTITUTIONAL VIOLATIONS INTENTIONALLY COMMITTED BY ALLISON, TONY, AND KEVIN TRUTEE'S AND ATTORNEY FOR US TRUSTEE IN WHICH IS TONY THOMPSON

The US has an constitutionally obligation to perform its duties overseeing the bankruptcy performance of the bankruptcy trustee to ensure that that they follow the bankruptcy codes as well as the bankruptcy rules and in this case KEVIN M EPSTEIN is the US Trustee that supervises Allison Byman the bankruptcy trustee who job is to administer assets for the natural person commenced under 16a in which a 342 notice was supposed to be given by the clerk of court in which it was not at the time of the application I had to give the clerk of court the 342 notice to file in my case and suddenly the US trustee runs to get an attorney to defend them as if they have a claim against my asset the US trustee sole job was to file a blanket bond in my case and the trustee separately have to file a bond 150% of the value of my asset and NO bond was filed neither by the US Trustee or Trustee appointed in my case so they come to file a motion to dismiss alleging that I Derrick: Thomas the natural man under rule 9001 is exempt from filing documents for examination this rule was cited via email to Allison and she completely ignored it, Allison sent out a 341 notice giving me an option pursuant to the rule to come to my 341 hearing that was held on 10/17/24 in person or virtual and I chose in person hearing and she comes back in a email form forcing me to attend a hearing virtually taking away my in person option stating that she did not need my

consent and that she was using the adoption rule adopted by the DOJ I told her in an email that I will come to my 341 hearing in person and for her to confirm and she completely ignored me again denying me of my due process rights to come to my hearing in the form that I so chose to come in with it being an option for me and she never confirm the in person hearing I asked to put her bond up into my case before the 341 hearing via email and she completely ignore that request and discharged her duties without filing a bond into my case in which she violated the bankruptcy rules, code and the constitution and discharged her duties without authority disrespecting the rule of law I told her in the email before the 341 hearing that due to her lack of authority and violations of the rule that I will not be attending the 341 hearing that she has been removed from her duties and that I will follow a replacement trustee and she still filed another hearing without filing a bond into my case til this day KEVIN M EPSTEIN is a witness to Allison Byman ultra vires act and TONY THOMPSON is defending KEVIN M EPSTEIN ultra vires acts I gave Allison Byman a Security as asset and she never added as an asset she made my case a no asset case

WHEREAS: Said Judge with constitutional authority deny all conspirators, ALLISON, KEVIN, AND EDUARDO their claim to dismiss my voluntary case when all 3 agents act under ULTRA VIRES and violated the rule of law as well as the constitution and grant me remedy as the laws grants me to have under the constitution, I have an asset with the Bankruptcy Court to Tender payment for any alleged obligation if the creditor shall prove their claim and close the books and to remove all defendants from the bankruptcy case for acts of ultra vires

Derrick Honor
3919 Live Oak Drive
Ponchartraine, Louisiana 70454
504-287-1541

Date: 10/28/2024

By: Derrick Thomas



WITHOUT PREJUDICE, i.e. all Natural Inalienable Rights Reserved

Please address all future correspondence by mail in the matter to a direct Living man, namely Derrick: Thomas

NOTICE

Using a notary on this document does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notarization is verification and identification only and not for entrance into any foreign jurisdiction.

ACKNOWLEDGEMENT

As a Notary Public for said County and State, I do hereby certify that on this _____ day of October 2024, a man known to use the name Derrick:Thomas the above-mentioned, appeared before me and executed the foregoing. Witness my hand and seal:

NOTARY PUBLIC in Harris county, TX

My Commission Expires: 03/16/27

Notary Signature:

Ariel Rodriguez

